

1 AN ACT

2 RELATING TO COURTS; CREATING THE MAGISTRATE COURTS OPERATIONS
3 FUND TO PROVIDE FOR THE OPERATIONS OF THE MAGISTRATE COURTS;
4 IMPOSING A FEE ON PENALTY ASSESSMENT MISDEMEANORS;
5 TERMINATING THE FUND AND THE FEE IN FOUR YEARS; RECONCILING
6 MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009;
7 MAKING AN APPROPRIATION.

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 Section 1. A new section of Chapter 35 NMSA 1978 is
11 enacted to read:

12 "MAGISTRATE COURTS OPERATIONS FUND--CREATED--PURPOSE--
13 TERMINATION OF FUND.--The "magistrate courts operations fund"
14 is created in the state treasury for appropriation by the
15 legislature for the operations of magistrate courts. The
16 fund consists of magistrate courts operations fees collected
17 pursuant to Section 66-8-116.3 NMSA 1978 and any
18 appropriations, gifts, grants and donations. Income from the
19 fund shall be credited to the fund. Money in the fund at the
20 end of fiscal years 2010, 2011, 2012 and 2013 shall not
21 revert to any other fund. Balances remaining in the fund at
22 the end of fiscal year 2014 shall revert to the general fund,
23 and the fund shall be dissolved on July 1, 2014."

24 Section 2. Section 66-8-116.3 NMSA 1978 (being Laws
25 1989, Chapter 318, Section 35, Laws 1989, Chapter 319,

1 Section 14 and also Laws 1989, Chapter 320, Section 5, as
2 amended by Laws 2009, Chapter 244, Section 1 and by Laws
3 2009, Chapter 245, Section 5) is amended to read:

4 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--
5 ADDITIONAL FEES.--In addition to the penalty assessment
6 established for each penalty assessment misdemeanor, there
7 shall be assessed:

8 A. in a county without a metropolitan court,
9 twenty dollars (\$20.00) to help defray the costs of local
10 government corrections;

11 B. a court automation fee of ten dollars (\$10.00);

12 C. a traffic safety fee of three dollars (\$3.00),
13 which shall be credited to the traffic safety education and
14 enforcement fund;

15 D. a judicial education fee of three dollars
16 (\$3.00), which shall be credited to the judicial education
17 fund;

18 E. a jury and witness fee of five dollars (\$5.00),
19 which shall be credited to the jury and witness fee fund;

20 F. a juvenile adjudication fee of one dollar
21 (\$1.00), which shall be credited to the juvenile adjudication
22 fund;

23 G. a brain injury services fee of five dollars
24 (\$5.00), which shall be credited to the brain injury services
25 fund;

1 H. a court facilities fee as follows:
2 in a county with a metropolitan court \$24.00;
3 in any other county 10.00;
4 and

5 I. until May 31, 2014, a magistrate courts
6 operations fee of four dollars (\$4.00), which shall be
7 credited to the magistrate courts operations fund."

8 Section 3. Section 66-8-119 NMSA 1978 (being Laws 1968,
9 Chapter 62, Section 159, as amended) is amended to read:

10 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

11 A. The division shall remit all penalty assessment
12 receipts, except receipts collected pursuant to Subsections A
13 through I of Section 66-8-116.3 NMSA 1978, to the state
14 treasurer for credit to the general fund.

15 B. The division shall remit all penalty assessment
16 fee receipts collected pursuant to:

17 (1) Subsection A of Section 66-8-116.3 NMSA
18 1978 to the state treasurer for credit to the local
19 government corrections fund;

20 (2) Subsection B of Section 66-8-116.3 NMSA
21 1978 to the state treasurer for credit to the court
22 automation fund;

23 (3) Subsection C of Section 66-8-116.3 NMSA
24 1978 to the state treasurer for credit to the traffic safety
25 education and enforcement fund;

1 (4) Subsection D of Section 66-8-116.3 NMSA
2 1978 to the state treasurer for credit to the judicial
3 education fund;

4 (5) Subsection E of Section 66-8-116.3 NMSA
5 1978 to the state treasurer for credit to the jury and
6 witness fee fund;

7 (6) Subsection F of Section 66-8-116.3 NMSA
8 1978 to the state treasurer for credit to the juvenile
9 adjudication fund;

10 (7) Subsection G of Section 66-8-116.3 NMSA
11 1978 to the state treasurer for credit to the brain injury
12 services fund;

13 (8) Subsection H of Section 66-8-116.3 NMSA
14 1978 to the state treasurer for credit to the court
15 facilities fund; and

16 (9) Subsection I of Section 66-8-116.3 NMSA
17 1978 to the state treasurer for credit to the magistrate
18 courts operations fund."

19 Section 4. DELAYED REPEAL.--Section 1 of this act is
20 repealed effective July 1, 2014.

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